Ben-Órr, Joseph

INSLAW:

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April 4, 1994

MEMORANDUM

TO:

Files/INSLAW/FBI

FROM:

Deborah Davis

SUBJECT:

April 1, 1994 Delivery

On Friday, April 1, 1994, I was asked by John Dwyer to delivered a computer tape to Ms. Louise Goldsworthy at the J. Edgar Hoover Building of the Federal Bureau of Investigation. The tape was hand carried and delivered about 4:00 in the afternoon.



Washington, D.C. 20530

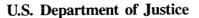
FACIMILE TRANSMITTAL COVER SHEET

DATE :	March 16, 1994
TO :	Mr. Neil MacNeil
FACSIMILE No.:	259.270 9-011-972-2-25\$-270
TELEPHONE No.:	9-011-972-2-253-201
FROM :	John C. Dwyer Assistant Associate Attorney General
FACSIMILE No.:	(202) 514 - 1724
TELEPHONE NO.:	(202) 514 - 4969
NO. OF PAGES:	
	•

Please provide the attached letter to Dr. Ben-Orr upon receipt of the tape. I would appreciate your arranging a meeting with him as soon as possible.

NW: 15767 DocId: 70099895 Page 6

COMMENTS





Washington, D.C. 20530

March 16, 1994

Dr. Joseph Ben-Orr P.O. Box 1143 Jerusalem, Israel 91010

Dear Dr. Ben-Orr:

This letter shall constitute a receipt for the materials provided by you to Neil MacNeil of the American Consulate in Jerusalem on behalf of the United States Department of Justice. I have asked Mr. MacNeil to provide this letter to you upon receiving a magnetic tape which you claim to have received from the Department of Justice in 1983 and which purportedly contains a software program known as PROMIS.

Furthermore, at your request, the Department of Justice waives any claims it may have against you arising from or related to your possession of the above referenced tape.

Sincerely,

John C. Dwyer

Assistant Associate Attorney General

OK

RESULT





Washington, D.C. 20530

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DATE :	March 16, 1994 —————
TO :	Mr. Neil MacNeil
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Washington, D.C. 20530

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John C. Dwyer

Assistant Associate Attorney General

TRANSMISSION OK

TX/RX NO.

6907

CONNECTION TEL

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CONNECTION ID

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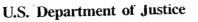
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PAGES

2

RESULT

OK





Washington, D.C. 20530

FACIMILE TRANSMITTAL COVER SHEET

March 16, 1994 DATE Mr. Neil MacNeil TO 9-011-972-2-253-270 FACSIMILE No.: 9-011-972-2-253-201 TELEPHONE No.: John C. Dwyer **FROM** Assistant Associate Attorney General (202) 514 - 1724 FACSIMILE No.: TELEPHONE NO.: (202) 514 - 4969 NO. OF PAGES: **COMMENTS**

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13/9/ TCW Bu On DOJ porporte



Washington, D.C. 20530

January 5, 1994

Mr. Neil MacNeil American Consulate Jerusalem, Israel PSC 98 Box 100 APO AE 09830

Dear Mr. MacNeil:

I am writing to follow up on our telephone conversation of earlier today. As you will see in the attached correspondence, I have instructed Dr. Joseph Ben Orr to deliver the magnetic tape and related materials to you at his earliest convenience.

Once Dr. Ben Orr has delivered the material, you should forward it to me at the following address:

John C. Dwyer
Assistant Associate Attorney General
U.S. Department of Justice
Room 5132
10th Street & Constitution Avenue, N.W.
Washington, D.C. 20530

Because of certain time constraints, I would appreciate it if you would use the fastest means of delivery available to you. Furthermore, two additional precautions need to be taken. First, the delivery mechanism you chose should provide for some sort of registry of the package so that it may be tracked if necessary. Second, it is my understanding that the tape is magnetic. Accordingly, please take whatever precautions necessary to ensure that the tape will not be damaged or erased while in transit.

Thank you very much for your help. If you have any questions, feel free to call me in Washington, D.C. at 202-514-4969.

Sincerely

John C. Dwyer

Assistant Associate Attorney General



Washington, D.C. 20530

January 24, 1994

MEMORANDUM

TO:

John C. Dwyer

Assistant Associate Attorney

General

FROM:

Sandra P. Spooner Deputy Director

Commercial Litigation Branch

Civil Division

SUBJECT:

INSLAW -- Joseph Ben Orr

Enclosed are the documents you requested concerning Dr. Joseph Ben Orr.

Attachments.



Washington, D.C. 20530

January 26, 1994

VIA Facsimile

Mr. Gordon Sjue
Division Chief
Office of Investigation
U.S. Department of State
DS/CR/I 6th Floor
2121 Virginia Avenue, N.W.
Washington, D.C. 20522-1003

Dear Mr. Sjue:

I am writing to follow-up on our telephone conversation of earlier today. Again, I apologize if I caused any confusion or inconvenience.

Attached is a copy of the letter I sent to Mr. Neil MacNeil in the American Consulate in Jerusalem which contains the appropriate instructions. Dr. Joseph Ben Orr, an Israeli national, has in his possession certain materials relevant to a Department of Justice investigation. In order to accommodate his wishes, we wanted to make it as easy as possible for him to deliver those materials to us. Accordingly, we were hopeful that the Consulate in Jerusalem would help us in our efforts.

Thank you for your help.

Sincerely,

John C. Dwyer

Assistant Associate Attorney General

Attachment



Washington, D.C. 20530

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John C. Dwyer

Assistant Associate Attorney General

MEMORANDUM OF CALL	Previous editions usable
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63-110 NSN 7540-00-634-4018 ST	1/3/5 FANDARD FORM 63 (Rev. 8-81)
Pr	escribed by GSA PMR (41 CFR) 101-11.6



Johh:

Regarding American Embassy (9-011-972-3-517-4338)

We will need to call back tomorrow with name of individual dropping off package, date and time of anticipated delivery.

Package must be addressed to you in the United States with the appropriate postage on it.

They will then forward to you. I spoke with Mr. Patrick Fitzgerals of the Regional Security Office for the American Embassy (12/6/93 10:00 a.m.)

Regional Scenty Officer

MEMORANDUM")
OF CALL	Previous editions usable
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U.S. Department of Justice

an Bill 400 613 97943 400 613 97943

office of the Associate Attorney General

Washington, D.C. 20530

January 5, 1994

Dr. Joseph Ben Orr P.O. Box 1143 Jerusalem, Israel 91010

Dear Dr. Ben Orr:

I am writing to follow up on our telephone conversations of last month. As promised, enclosed is a copy of the memorandum I prepared summarizing our telephone conversation of November 30, 1993. If I have misstated any part of the conversation or any fact, please let me know as soon as possible.

With regard to the tape containing PROMIS currently in your possession, I greatly appreciate your willingness to return it to the Department of Justice as part of our investigation of the allegations made by INSLAW, Inc. I have arranged for Neil MacNeil, the Security Officer at the American Consulate in Jerusalem, to forward the tape to me in Washington, D.C. Accordingly, you should take the tape to the American Consulate in Jerusalem and deliver it to Mr. MacNeil. In order to ensure that there is no unnecessary confusion, it would be helpful if you would contact Mr. MacNeil prior to your to to the Consulate to make sure that he will be there to the American Consulate to make sure that he will be there to your to the Consulate to make sure that he will be there to your the tape.

Mr. MacNeil may be reached the form of the consulate to 5:00 p.m.

Because we ar HOO-613-979-43

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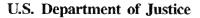
r investigation, tape and cNeil at your ions, please

Again, thank ye 9.301-953-3333 [Incl) matter. Happy New Y 1-800-247-474 Toperation in this

Sincerely,

John C. Dwyer

Assistant Associate Attorney General





Washington, D.C. 20530

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Because we are reaching the conclusion of our investigation, I would be very grateful if you would deliver the tape and whatever related materials you may have to Mr. MacNeil at your very earliest convenience. If you have any questions, please feel free to call me at 202-514-4969.

Again, thank you very much for your cooperation in this matter. Happy New Year.

Sincerely,

Jóhn C. Dwyer

Assistant Associate Attorney General

CC (w/o encl.): Neil MacNeil NW: 15767 DocId: 70099895 Page 24



U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

November 30, 1993

MEMORANDUM

TO:

File/INSLAW/D

FROM:

John C. Dwyer

SUBJECT:

November 29,

with Dr. Dr.

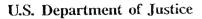
2 office 1-35-9 +8 Naomi Street

Dr. Joseph Ben Or is: 011-972-2-733-843 machine number are: 0 P.O. Box 1143, Jerusal

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He stated that he acted as consultant to the Department of Justice on a wide variety of matters. He stated that the primary limitation on his activities were that he could not be involved in anything that presented a conflict of interest with his status as an Israeli citizen and Justice Ministry official. After he left the Department of Justice, he returned to the Israeli Justice Ministry. He retired in 1989 as District Attorney for the City of Jerusalem.

While he was at the Department of Justice, Dr. Ben Orr learned that DOJ had decided to computerize the U.S. Attorneys' NW: 15707 Dicela: 70099895 Page 25 be allowed to watch the process of





Washington, D.C. 20530

November 30, 1993

MEMORANDUM

TO:

File/INSLAW/Dr. Joseph Ben Orr

FROM:

John C. Dwyer

SUBJECT:

November 29, 1993 Telephone Conversation with Dr. Dr. Joseph Ben Orr

Dr. Joseph Ben Orr's telephone number in Jerusalem, Israel 011-972-2-733-843. His business phone number and fax machine number are: 011-972-2-734-392. His address is: P.O. Box 1143, Jerusalem 91010 Israel.

In 1982, Dr. Ben Orr was the Senior Assistant State Attorney in Israel for the Israeli Justice Ministry. As part of an exchange program with the U.S. Department of Justice, Mr. Ben Orr spent parts of 1982 and 1983 working at the Department of Justice. He was employed as an expert consultant in the Office of Legal Policy. He stated his supervisor was Deputy Attorney General Schmultz. (He believed the DAG's assistant at the time was named Ross.) There were three other Israelis in the program: Mr. Haskel who was involved in land registry; Mr. Gubberman who also was employed by OLP; and a third individual whose name he could not recall who worked for the Solicitor General. checking his passport, Dr. Ben Orr told me that his visas were for September, 1982 through April 30, 1983 and July 15, 1983 through September 15, 1983.

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The reason he was interested in learning about the possibilities of PROMIS was that he knew Israel was considering computerizing their prosecutors' offices.

After returning from his tour of various U.S. Attorneys' offices, Dr. Ben Orr asked the "computer people" in the Department if there was any way that he could get a copy of the PROMIS software. After some negotiation, the Department of Justice gave him a reel with the software on it and two large files of reading materials on PROMIS. He stated that he was assured that the program belonged to the Department. He still has the reel with the software in his possession. He is not sure whether or not he still has the various files. He could not remember the names of the "computer people" with whom he dealt.

After visiting the various offices where PROMIS was installed, he arranged to meet Bill Hamilton. He attended that meeting at Hamilton's office. During the meeting, he learned that INSLAW had an improved version of PROMIS which they were calling PROMIS 82. He also learned that INSLAW had an office somewhere in Europe, he believes in Ireland. He told me that Hamilton also gave him some papers regarding the incidence of crime that demonstrated additional uses and data compiling potential of the PROMIS software. He sent the material to Israel to see if the Israeli Government would be interested.

This was the only meeting he ever had with Hamilton. Dr. Ben Orr was the only representative from either the Department of Justice or the Israeli government that attended the meeting. He believes that there was one additional INSLAW employee that attended the meeting as well. He stated that Hamilton never demonstrated the software during their meeting. He also stated that this was the only time he ever met with or spoke to either of the Hamiltons.

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- 2 -

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Washington, D.C. 20530

November 30, 1993

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Date: Sunday, November 21, 1993 9:02 am

From: SMO02(IRVING)

Subject: Two missing Israelis

John -- have reviewed the para's notes re the two Israelis that Hamilton (Inslaw) is interested in -- I'll sum it up here as the most efficient way to give you the info you need.

1. I called Bob Roeder after you and I chatted about Mr. Hamilton's letter to the AAG (incidentally our letter of 5/26/93 provided Mr. Hamilton with the right to administratively appeal

our "no records" appeal, a right he ignored).

Bob was the Admin Officer in OLP in the early '80's and remembered these two individuals who appeared on OLP's doorstep according to some arrangement that OLP was unaware of; OLP employed them as "experts" at a GS 15 salary; Bob was sure they were paid employees and told me personnel records would have been created. He suggested we contact St. Louis Records Center where records of employees no longer working for DOJ are "retired."

- 2. The paralegal (Carmen Mallon) assigned to this case did more than that. She contacted St. Louis and spoke with the Civil Reference Branch which did a computer search of its records (which date back to 1965) by name (one of the three ways the records can be retrieved). No records were located. St. Louis also did a hand-search of its Foreign National Records System which also came up with no records.
- 3. Carmen also contacted Suitland Records Center, a part of the Archives system, which advised it would not have anything on individuals or Inslaw from that time period.
- 4. She again contacted JMD Personnel (John Vail), DOJ's Executive Secretariat (Ron Plavchan), and the individual in charge of retiring DOJ records (Bernie Berglund). No records. She also asked these people if there's any other place such records would be located. No one could provide any further help.

records must have been created re these two Bottom line: because they were on the DOJ payroll. But they can't be found. The search Carmen conducted is well beyond the legal requirement of a "reasonable search" and I won't have any concern if Mr. Hamilton decides to sue under the FOIA. I also don't have any problem with you telling him all this, leaving out individuals' Call me if you want to respond in writing to Mr. names. Hamilton's concern. The only thing I'd request is that someone from the AAG's office sign such a response rather than OIP --Mr. Hamilton did not use the FOIA channels available to him and I don't want him to assume he can ignore our letter and regs and still get "relief" through the FOIA process (although that's exactly what he got).



SPS:tm

Telephone: 514-7179

Washington, D.C. 20530

March 8, 1993

MEMORANDUM

FOIA(b)(6)

TO:

James Kovakas

FOIA

Federal Programs Branch

FROM:

Sandra P. Spooner

Deputy Director

Commercial Litigation Branch

Civil Division

Subject: FOIA Request of

We have reviewed our files and found only three documents that appear to be responsive to request. They are two memoranda from Jack Rugh, one dated April 33, 1983 and one dated May 6, 1983, and a letter dated May 13, 1983, from C. Madison Brewer to Dr. Joseph Ben-Orr. Copies of all three documents are attached.

Attachments





U.S. Departmen Justice

Executive Office for United States Attorneys

Washington, D.C. 20530

1 8 MAY 1983

Dr. Joseph Ben-Orr
c/o Office of Legal Policy
United States Department of Justice

Dear Dr. Ben-Orr:

Pursuant to your recent request, I am at this time forwarding to you copies of the PROMIS materials which are currently available for dissemination and distribution through the aegis of the United States Government.

ery crury yours

C. Madison Brewer

Director, Office of Management Information Systems and Support

Enclosures

Memorandum



Subject

Availability of LEAA/EOUSA Versions of PROMIS

)ate

May 6, 1983

To FILE

From Cack S. Rugh Acting Assistant Director OMISS, EOUSA

Reference my memorandum to file dated April 22, 1983, on the same subject. Brick Brewer recently instructed me to make a copy of an LEAA version of PROMIS available to Dr. Ben Orr, a representative of the Government of Israel. Dr. Orr called me to discuss that request after my earlier memorandum was written. I have made a copy of the LEAA DEC version of PROMIS and will provide it along with the corresponding documentation, to Dr. Orr before he leaves the United States for Israel on May 16.

On Thursday, April 28, Jean Gollatz from the State of Pennsylvania called to inform me that they plan to award a contract to Prime for a single computer, and that they would like a copy of our PROMIS software. I told her that we could supply the pilot version of the system, but unless the INSLAW claim of proprietary interest in our enhanced version of PROMIS is resolved in our favor, we would not be able to supply that version.

I suggested that Ms. Gollatz write a letter to Brick making a formal request. She said that she would draft such a letter for her Chief Judge to sign.

Memorandum



Subject

Availability of LEAA/EOUSA Versions of PROMIS

4/22/83

File

ack Rugh

On April 15, 1983 Brick Brewer asked me about any discussions that I may have had regarding the availability of the various federal versions of PROMIS to organizations other than U.S. Attorneys' Offices. He indicated that John Gizzarelli from INSLAW had spoken to him earlier in the day and was upset about the EOUSA offering our version of PROMIS to other organizations. This memorandum is to document my recollection of my activities in this regard.

First, I must indicate that I have never approached any organization about the availability of Government-owned PROMIS software. I have on several occasions, however, discussed such availability when asked about it. I have always been careful to point out, except when discussing the issue with the Criminal Division, that any software provided by the EOUSA would be "as is" and totally unsupported. I have discussed cooperative support with the Criminal Division. Since INSLAW made their claim of proprietary interest in our enhanced version of PROMIS, I have qualified the possibility availability of that version. Prior to that claim, I told several of the organizations discussed below, that EOUSA enhancements could be provided to them at some future date.

As part of our solicitation for computer equipment, Government owned versions of PROMIS were made available to potential bidders for use in benchmarking their equipment. All four LEAA versions (DEC, IBM, Wang, and Burroughs) as well as the EOUSA Prime pilot version were supplied. The computer contract file, JVUSA-82-R-0024, contains documentation concerning the organizations to whom each version was supplied. No restrictions were placed on the usage of that software.

Also as part of our computer buy, a copy of the EOUSA Prime pilot version of PROMIS was supplied to Mr. Dave Hudak who contracted with us to develop certain benchmark programs. Again no NW: 15767 DocId: 70099895 Page 36

In early 1982, I supplied a copy of the EOUSA Prime pilot version of PROMIS to Bob Bussey of the Colorado District Attorneys' Conference, at Brick's request. The Conference and the U.S. Attorney in Colorado were interested in including our Denver office as part the Conference PROMIS system. Subsequently, I discussed the availability of our PROMIS enhancements, funded through LEAA the contract, once they were installed on our Prime equipment with Mr. Bussey. I also provided him with a copy of the LEAA DEC version of PROMIS in early 1983.

The State of Pennsylvania has been involved with a PROMIS computer procurement for the last year. I provided Jean Gollatz from the Pennsylvania State Government with a copy of our computer RFP in early 1982. Ms. Gollatz and I have talked about the various hardware vendors bidding on their contract and the various versions of PROMIS in the intervening year. She has visited our Newark installation in conjunction with her review of Prime equipment. I have told Ms. Gollatz on several occasions that our Prime pilot version of PROMIS is available for their use, and that our enhanced Prime version should be available by mid-summer, 1983.

I have discussed the availability of EOUSA Prime pilot version of PROMIS as well as the enhance version with Don Manson of the Bureau of Justice Statistics on a number of occasions. Mr. Manson is particularly interested in providing a copy of our enhanced software to the U.S. Virgin Islands.

The City of Santo Monica, California requested PROMIS documentation in a Freedom of Information Act Request filed in late 1982. When discussing the specifics of that request with city personnel, I encouraged them to also contact Bob Bussey in Colorado since both organizations operate Hewlett Packard computers.

During the week of April 11, 1983 INSLAW demonstrated PROMIS in the Boston U.S. Attorney's Office to a group of people from the State of Massachusetts. Joe Creamer, our system manager in Boston, called me late in the week. He said someone from state had called him to ask about the availability of PROMIS software from sources other than INSLAW. I told Joe that the LEAA versions and our Prime pilot version were certainly available, but that there was a current dispute with INSLAW regarding our enhance version. I do not know if Joe provided this information to the State.

I have held a number of informal discussions with personnel in the Criminal Division regarding their possible use of our enhance version of PROMIS and the possibility of their using one of an optional Prime machines. We have also discussed the possibility of cooperating on PROMIS software maintenance and enhancements in the future.

The only other discussion that I have had regarding PROMIS availability was with Jim Mennino, a former INSLAW employee. When $NW:15767\ DocId:\ 70099895\ Page\ 37$

I called Mr. Mennino to discuss a different issue (documented in earlier memoranda to file), he said that he was teaching a college course in data base management systems and wanted a copy of PROMIS software to use in that regard. I told him that the LEAA versions were available and suggested that he either contact Don Manson or write to me with a justification as to why he wanted the software and I would send it to him. To date he has not sent a written request to me.

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